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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

CYGIEL, GARY W

ART UNIT

PAPER NUMBER

2188

MAIL DATE

DELIVERY MODE

05/28/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/531,623	Applicant(s) TSUNODA ET AL.	
	Examiner GARY W. CYGIEL	Art Unit 2188	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3,6,12 and 15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3,6,12 and 15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 12 and 15 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The Claims recite that “said information center checks whether or not said data has been stored properly.” The specification states that the vehicle-mounted terminal checks to see if data is in the temporary/permanent cache (Fig 7:Item S503/Fig 6:Item S601, see corresponding description on pages 11 and 12), but the examiner cannot locate where support is found for the information center checking if data has been stored properly. It is noted however, that the specification teaches (Page 1:Lines 26-36) the following:

“This leads to the fact that the client computer is required to unremittedly communicate with the server computer and confirm whether or not the

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information data stored in the server computer has been updated after the information data is transmitted to the client computer and temporarily stored in the cache memory forming part of the client computer, thereby increasing communication period and thus communication cost.

The present invention is made for the purpose of overcoming the above mentioned drawback, and it is therefore an object of the present invention to provide a data storage system which can eliminate the need of confirming whether or not the information data stored in the server computer has been updated, thereby reducing communication period and thus communication cost.”

The applicant is asked to either show support for the claimed feature in the response to this office action or remove the language from the claims.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

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4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
6. Claims 3,6,12 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuwabara et al. (Japanese Patent No. JP411015850A) using both the Derwent and JPO abstracts the teachings in view of Postel et al. (RFC0959, c. 1985), Bennett (Reliability of TCP/IP and the Internet, c. 1996) and McCarty (Linux Command Quick Reference, c. 1999).

Consider **Claims 3,6,12 and 15**,

Kuwabara teaches a data storage system comprising a vehicle-mounted terminal mounted on a vehicle, (Derwent, use in a mobile terminal in a vehicle.) and a fixed information center for transmitting data to said vehicle-mounted terminal in response to a request from said vehicle-mounted terminal (Derwent, acquires demanded data from data center), in which:

said vehicle-mounted terminal which operates remotely from said fixed information center includes:

terminal communicating means for communicating with said information center (Derwent, data is received through a communication unit.),

temporary cache means for temporarily storing therein said data (Derwent, temporary cache),

permanent cache means for storing therein said data for a predetermined period (Derwent, permanent cache), and

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memory selecting means for selectively having said temporary cache means and said permanent cache means store therein said data received by said terminal communicating means (JPO Abstract, HTML tag indicates which cache data is to be stored in.); and

said fixed information center includes:

center communicating means for communicating with said vehicle-mounted terminal,

data sorting means for sorting said data into temporary cache data to be stored in said temporary cache means and permanent cache data to be stored in said permanent cache means (JPO Abstract, HTML tag indicates which cache data is to be stored in.).

Based on the abstracts, there is no explicit teaching of:

available space obtaining means for obtaining a storage space available in said permanent cache means of said vehicle mounted terminal; and

data deletion means for deleting said permanent cache data stored in said permanent cache means of said vehicle mounted terminal, wherein said information center checks whether or not said data has been stored properly.

However, the ability to remotely determine available space, delete data and perform checks as to whether or not data has been stored properly are fundamental abilities of almost all computers connected via a network and the examiner is taking official notice of this fact. In support of the official notice, the examiner provides Postel, Bennett and McCarty which all teach about well known elements of networking which are Linux, TCP/IP and FTP. The examiner is

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merely using these as evidence that the state of the art at the time of the invention clearly made obvious the ability to determine available space, delete data and perform checks on proper storage. The error detection/correction of TCP/IP which is used in FTP combined with the teachings regarding the Linux commands make clear that it would have been obvious to a person of ordinary skill in the art at the time the invention was made to not only make sure your file was sent/stored properly (TCP/IP.FTP), but also provide the ability to check the available space (Linux) and delete items (Linux,FTP) at will because this makes the system more robust and reduces design time by using notoriously well-known methods in the system of Kuwabara.

Response to Arguments

7. Applicant's arguments with respect to claims 3,6,12 and 15 have been considered but are moot in view of the new ground(s) of rejection provided in response to applicant's amendment submitted 26 February 2008.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is

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filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GARY W. CYGIEL whose telephone number is (571)270-1170. The examiner can normally be reached on Monday through Thursdays 12:00pm-2:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung Sough can be reached on (571)272-6799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service

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Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Hyung S Sough/
Supervisory Patent Examiner, Art Unit 2188
05/26/08

/Gary W Cygiel/
Examiner
Art Unit 2188

GWC 5/24/2008